

## **BILL ANALYSIS**

S.B. 499  
By: Lucio  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, the manufactured housing division of the Texas Department of Housing and Community Affairs may rely on a verdict from a contested jury trial or its own independent investigation to set the amount of reimbursement to a consumer who applies for assistance from the manufactured homeowners' recovery trust fund. Noting that, as in other civil matters, claims related to mobile home transactions are often decided in trials heard by judges and not by juries, interested parties assert that there is no reason for the manufactured housing division to undertake an inefficient and expensive inquiry into the facts of a case heard by a judge just because the fact-finder at trial was not a jury. S.B. 499 seeks to eliminate perceived inefficiencies in the process to recover damages from the manufactured homeowners' recovery trust fund.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 499 amends the Occupations Code, in a provision requiring the executive director of the manufactured housing division of the Texas Department of Housing and Community Affairs, in determining the amount of actual damages for which the manufactured homeowners' recovery trust fund is liable, to make an independent inquiry as to the damages actually incurred by a consumer as a result of an act or omission found to be in violation of certain applicable state or federal laws unless the damages have been established by a contested jury trial, to instead require the executive director to make that inquiry unless the damages have been previously established through a contested trial.

### **EFFECTIVE DATE**

September 1, 2013